

1 THE HONORABLE BARBARA J. ROTHSTEIN  
2  
3  
4

5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 FIDEL ZELEKE,

9 Plaintiff,

10 vs.

11 SP PLUS CORPORATION,

12 Defendant.  
13

NO. 2:19-CV-00938-BJR

**STIPULATED MOTION AND  
ORDER TO STRIKE PLAINTIFF'S  
JURY DEMAND**

**STIPULATION**

The parties, Plaintiff Fidel Zeleke and Defendant SP Plus Corporation ("SP Plus") by and through their respective counsel, respectfully and jointly move the Court for an Order striking Plaintiff Fidel Zeleke's Jury Demand filed on September 12, 2019, based on the following reasons:

1. On February 22, 2019, Mr. Zeleke filed this civil action in King County Superior Court on February 22, 2019. Dkt. 1-1 at 4. The Complaint did not contain a jury demand. SP Plus was served on May 21, 2019. On June 11, 2019, SP Plus filed its Answer to the Complaint. Dkt. 9-1 at 2. On June 17, 2019, SP Plus removed this action to this Court based on subject matter jurisdiction and served Mr. Zeleke with Notice of Removal by mail. Dkt. 1.

2. On June 18, 2019, The Clerk of Court issued a letter to the parties that stated: "Your attention is directed to the provisions of Rule 38(b) and 81(c) of the Federal Rules of Civil Procedure, pertaining to the filing of demands for trial by Jury in Federal Court." Dkt. 2.

STIPULATED MOTION FOR ORDER TO STRIKE  
PLAINTIFF'S JURY DEMAND – PAGE 1  
(No. 2:19-CV-00938-BJR)

GORDON REES SCULLY  
MANSUKHANI LLP  
701 5th Avenue, Suite 2100  
Seattle, WA 98104  
Telephone: (206) 695-5100  
Facsimile: (206) 689-2822

1 Under Civil Rules 38 and 81, Mr. Zeleke's jury demand deadline was July 5, 2019. He filed the  
2 demand on September 12, 2019.

3       4. On September 12, 2019, the parties filed a Joint Status Report and Discovery  
4 Plan. Dkt. 14. SP Plus noted in the Joint Status Report that Mr. Zeleke's demand for a jury was  
5 untimely filed and that it would be filing a motion to strike.

6       5. The parties have since conferred and agree that the Jury Demand should be  
7 stricken.

8           IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

9 DATED this 29<sup>th</sup> day of January 2020.

10           **GORDON REES SCULLY MANSUKHANI, LLP**

11  
12 s/Diana P. Danzberger  
Sarah N. Turner, WSBA #37748  
13 Diana P. Danzberger, WSBA #24818  
Attorneys for Defendant SP Plus Corporation  
14 701 5th Avenue, Suite 2100  
Seattle, WA 98104  
(206) 695-5100  
[sturner@grsm.com](mailto:sturner@grsm.com);  
[ddanzberger@grsm.com](mailto:ddanzberger@grsm.com)

15           **LAW OFFICE OF RODNEY MOODY**

16 s/Rodney R. Moody  
Rodney R. Moody, WSBA #17416  
17 Attorney for Plaintiff Fidel Zeleke  
2707 Colby Avenue, Suite 603  
Everett, WA 98201  
(425) 740-2940  
[rmoody@rodneymoodylaw.com](mailto:rmoody@rodneymoodylaw.com)

24       ///  
25       ///  
26       ///

STIPULATED MOTION FOR ORDER TO STRIKE  
PLAINTIFF'S JURY DEMAND – PAGE 2  
(No. 2:19-CV-00938-BJR)

GORDON REES SCULLY  
MANSUKHANI LLP  
701 5th Avenue, Suite 2100  
Seattle, WA 98104  
Telephone: (206) 695-5100  
Facsimile: (206) 689-2822

## ORDER

PURSUANT TO THE STIPULATION ABOVE, IT IS HEREBY ORDERED,  
ADJUDGED AND DECREED that Plaintiff's Jury Demand is stricken.

DATED this 14th day of May, 2020.

Barbara J Rothstein

THE HONORABLE BARBARA J. ROTHSTEIN  
United States District Court Judge

**STIPULATED MOTION FOR ORDER TO STRIKE  
PLAINTIFF'S JURY DEMAND – PAGE 3  
(No. 2:19-CV-00938-BJR)**

**GORDON REES SCULLY  
MANSUKHANI LLP**  
701 5th Avenue, Suite 2100  
Seattle, WA 98104  
Telephone: (206) 695-5100  
Facsimile: (206) 689-2822